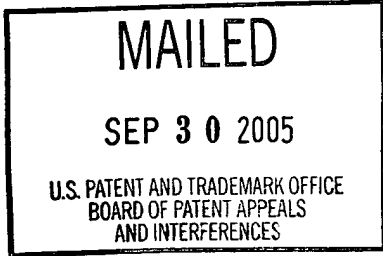


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD P. COUPLAND and PAUL B. MCGRATH

Appeal No. 2005-1911
Application No. 09/862,865¹

ON BRIEF

Before KRASS, RUGGIERO, and SAADAT, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 1-25, which are all of the claims pending in this application.

We affirm-in-part.

BACKGROUND

Appellants' invention relates to a system and method for providing lodging reservations data from distributed sources assembled and compiled into a single database that is updated as rates or room availability changes. According to Appellants, a

¹ Application for patent filed May 22, 2001.

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master reservation system receives and stores the data in a database reservation and updates the database with the update data which allows a user to request and receive updated reservation data. An understanding of the invention can be derived from a reading of exemplary independent claim 1, which is reproduced as follows:

1. A system for providing reservation data comprising:

a reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems; and

a master reservation system coupled to the reservation data system, the master reservation system receiving the reservation inventory data and storing the reservation inventory data in a database, the master reservation system receiving the inventory update data and updating the database with the inventory update data;

a user interface system coupled to the master reservation system, the user interface system receiving reservation request data and providing updated reservation inventory data in response to the reservation request data; and

wherein the inventory update data is generated in real time as each reservation system is updated to reflect current inventory.

The Examiner relies on the following prior art references:

U.S. Published Application
MacDonald et al. (MacDonald) 2002/0099576 A1 Jul. 25, 2002
(filed Jan. 22, 2001)

"Hotel Reservations Network Taps Pegasus Systems to Expand Online Hotel Reservation Capabilities Agreement; Adds 22,000 Hotels to HRN's Consumer Web Site" (HRN), PR Newswire, New York, September 30, 1998, pp. 1-2.

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Claims 1-13, 15-17 and 19-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by MacDonald.

Claims 14 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MacDonald and HRN.

Rather than reiterate the opposing arguments, reference is made to the brief (filed June 21, 2004) and answer (mailed September 9, 2004) for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the brief have not been considered (37 CFR § 41.37(c)(1)(vii)).

OPINION

At the outset, we note that Appellants' intention is to group the claims into nine separate groups as standing or falling together (brief, page 10). In accordance with this grouping, and pursuant to 37 CFR § 41.37(c)(1)(vii), we will select claims 1-7, 12 and 14 from each group to be the representative claims of their corresponding groups and limit our review of the appeal to these claims.

Before addressing the claim rejections, we observe Appellants' use of the term "infringed" which, in the context of rejection of the claims over the applied prior art, appears to be misplaced. Therefore, to the extent relevant, we assume that

Appellants intended their arguments to be directed to the anticipation or obviousness rejections of the claims and apply appropriate standards thereto.

Group I (claims 1, 15 and 23-25)

Regarding claim 1, the examiner's position is that MacDonald provides a master reservation system coupled to the data system (22 and 30 in fig. 1) which receives inventory data and update data (paragraphs 0007 and 0008). The Examiner also finds that a user interface provides inventory updates when it receives reservation requests from a user (12 in fig. 1) wherein the inventory update is generated and received in real time as each reservation system is updated (paragraph 0040) (answer, page 5).

In response, Appellants point to paragraph 0025 of MacDonald to reason that the reference requires the owners or agents to provide "continuously updated information concerning the availability state of the units" to the website (brief, pages 12-13). Appellants further argue that the reference actually does not require "some sort of vendor system" because a particular application called "SmartDecks™" is used which enables the vendors to continuously update information by manually submitting the information using only a web browser (brief, page 13).

The Examiner responds by stating that the claimed system is not limited to a computerized vendor system since the claim is

merely directed to a system receiving reservation inventory data and updates from two or more reservation systems (answer, page 11). The Examiner then asserts that even if the claims did recite a computerized system, they would not distinguish over the prior art since the method of MacDonald would still include using updated information to present the availability status of the lodging (id.). Additionally, relying on the reference teachings related to different types of reservation such as hotel rooms and rental condos, the Examiner argues that MacDonald does receive reservation inventory data and updates from two or more reservation systems (answer, page 12).

A rejection for anticipation requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. See Atlas Powder Co. v. Ireco Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), it is only

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necessary for the claims to "'read on' something disclosed in the prior art reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it." See also Atlas Powder Co. v. IRECO Inc., 190 F.3d at 1346, 51 USPQ2d at 1945 (Fed. Cir. 1999) (quoting Titanium Metals Corp. v. Banner, 778 F.2d 775, 781, 227 USPQ 773, 778 (Fed. Cir. 1985)).

In determining the subject matter encompassed by claim 1, we agree with the Examiner that the claim merely requires "receiving" reservation inventory data and updates in a master reservation system without specifying the entity that sends such information or whether the data is automatically sent. However, MacDonald does disclose in Figure 1 cruise ship and hotel providers 20 and 18 providing information about the presented units and continuous updates about their availability (paragraph 0025). Similarly, we remain unconvinced by Appellants' argument that no vendor system is required in Macdonald because the owners and agents of the cruise line use "SmartDecks™" which allows manually updating the information. This application is useful only for providing the web browser with a graphical tool for selecting rooms or cabins (paragraph 0034), which is in addition to the inventory availability information. As pointed out by the Examiner, MacDonald also teaches that, in addition to providing a graphical representation of the accommodation (i.e., deck plan of

a cruise ship), information related to each cabin reservation availability status is provided from cruise line vendor systems in real-time over the Internet (paragraph 0040). Therefore, MacDonald does disclose the claimed "receiving reservation inventory data and inventory update data from two or more reservation systems" and therefore, anticipates claim 1. Accordingly, the 35 U.S.C. § 102(e) rejection of claim 1, as well as claims 15 and 23-25 grouped therewith, is sustained.

Group II (claims 2, 8, 13 and 17)

Regarding claim 2, Appellants argue that MacDonald does not disclose sequence number data associated with the set of inventory update data which is stored in a monitoring system (brief, page 15). Appellants further point out that such numbers are used to reconstruct the database in case of interruption during a system crash (id.). The examiner refers to the "indicators" (paragraph 0025) provided next to individual units that are graphically presented to the user (answer, page 14) and asserts that this type of data being monitored by a monitoring system is "nonfunctional descriptive material and is not functionally involved in the steps recited (answer, page 15).

A review of MacDonald reveals that the indicators pointed out by the Examiner actually are update data associated with the units which provide visual indication of the availability status

of the units when the deck or floor plan is displayed (paragraph 0025). Although the Examiner's refusal to read data rebuilding capabilities into the claimed "sequence number data" is proper, we disagree with the Examiner that the claimed "sequence number data" is nonfunctional descriptive material as the claim requires these number be associated with the set of inventory update data which means that the number provides a "sequence" or "order." Therefore, MacDonald cannot prima facie anticipate claim 2 because these availability indicators are not the same as the claimed sequence number data associated with the set of inventory update data. Accordingly, we do not sustain the 35 U.S.C. § 102(e) rejection of claim 2, 8, 13 and 17, which contain similar limitation and are grouped together.

Group III (claims 3 and 22)

Regarding claim 3, Appellants assert that an interface system is necessary for converting data from unrelated systems into a format used in the centralized system data (brief, page 16). Appellants further repeat the arguments made with respect to claim 1 regarding the reservation data systems (brief, page 17). In response, in addition to reiterating the arguments made above, the Examiner argues that checking the availability of a place of accommodation is performed based on and over the Internet using a standard web browser (answer, page 15). The

examiner adds that inventory data is updated based on real time data received from respective lodging reservation systems and by repeating the request for updates (answer, page 16).

Based on the teachings of MacDonald outlined supra., we find ourselves persuaded by the Examiner's position that the master reservation system interface is present in MacDonald because the update data is received by the master reservation system and its interface. Therefore, while MacDonald does not explicitly identify the existence of a master reservation interface system for receiving the data from the reservation data systems, as held in In re Graves, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995), we find that a person of ordinary skill in the art would understand the presence of such an interface so that the relevant data and updates is received. See also Helifix Ltd. v. Blok-Lok, Ltd., 208 F.3d 1339, 1347, 54 USPQ2d 1299, 1304 (Fed. Cir. 2000) (even if a piece of prior art does not expressly disclose a limitation, it anticipates if a person of ordinary skill in the art would understand the prior art to disclose the limitation and could combine the prior art description with his own knowledge to make the claimed invention). Thus, a skilled artisan could take MacDonald's teachings in combination with his own knowledge and be in possession of the master reservation interface system of Appellants' claim 3. Therefore, we sustain

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the 35 U.S.C. § 102(e) rejection of claim 3, as well as claim 22, grouped therewith.

Group IV (claims 4 and 9)

With respect to claim 4, appellants argue that MacDonald does not mention a chain modification system implicitly or inherently (brief, page 18). The Examiner responds by asserting the cruise line example provided in the reference starts the search with the "Sailing date" which is compared to the information related to the appropriate cruise ship line to provide the availability data (answer, page 16).

Based on the teachings of MacDonald as a whole and the inferences a skilled artisan may make, we remain unconvinced by Appellants that data from the cruise line or any of the hotels' reservation systems would not provide chain modification data received by a chain system. The fact that MacDonald shows data for individual ships of a cruise line, establishes the existence of a chain, i.e., the ships of a cruise line, which affect the database as modifications are made to any of the ships. Thus, we agree with the Examiner and sustain the 35 U.S.C. § 102(e) rejection of claim 4, but not of claim 9 which is dependent upon claim 8.

Group V (claims 5 and 10)

Regarding claim 5, Appellants merely recite the claimed limitations and point out that the Examiner has not addressed the arguments made (brief, page 19). We find that the Examiner has made a reasonable case of prima facie anticipation by pointing to MacDonald's teaching of reservation data related to each property which is also updated as reservations are made (answer, page 5). Therefore, we also sustain the 35 U.S.C. § 102(e) rejection of claim 5, but not of claim 10 which is dependent upon claim 8.

Group VI (claims 6,11,19 and 20)

With respect to claim 6, we also agree with the Examiner that the reservation system of MacDonald includes the cost data associated with each particular rate plan by showing how different parameters, such as a particular time period, modify the cost and the relevant data (answer, pages 6 and 18). We are not convinced by Appellants' argument that the use of "SmartDecks™" in MacDonald precludes updating rate plans since, as discussed above, this tool is used for providing the graphical representation of the lodging facility whereas the updates and availability information are handled by the vendor system (paragraph 0040). Accordingly, we sustain the 35 U.S.C. § 102(e) rejection of claim 6 as well as claims 19 and 20, grouped therewith, but not of claim 11 which is dependent upon claim 8.

Group VII (claim 7)

Similar to claim 6, the limitation of claim 7 would also be understood by one of ordinary skill in the art to be present in the system disclosed by MacDonald. We find that, contrary to Appellants' argument (brief, page 21), MacDonald continuously updates all kinds of data provided by the vendor system to the master reservation system. As stated by the Examiner (answer, page 6), the distribution channel modification data is also updated similar to the other reservation related information in MacDonald and sent to the master reservation system (paragraphs 0033). Therefore, the 35 U.S.C. § 102(e) rejection of claim 7 is also sustained.

Group VIII (claims 12, 16 and 21)

With respect to the claims of this group, we note that room availability update data for a room that had previously been reserved is taught by MacDonald as the limited 15 minute hold placed on a room selected by the user (paragraph 0033). After this time period, if the reservation is not completed and by another real-time update, the availability status of the room will be updated. Therefore, we agree with the Examiner's position (answer, pages 7 and 19) that MacDonald teaches such features. Therefore, we sustain the 35 U.S.C. § 102(e) rejection

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of claims 16 and 21 but not that of claim 12 which depends from claim 8.

Group IX (claims 14 and 18)

Regarding the claimed limitation of receiving distressed inventory data, the Examiner correctly states (answer, pages 10 and 20) that such features are admitted by Appellants (brief, page 23) to be known in the art. Therefore we agree with the Examiner that including such data in MacDonald would have been obvious to the skilled artisan so that updated data regarding such units are available to the user. Accordingly, we sustain the 35 U.S.C. § 103 rejection of claim 18 over MacDonald and HRN whereas the rejection of claim 14, dependent upon claim 8, is not sustained.

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CONCLUSION


In view of the forgoing, the decision of the Examiner rejecting claims 1-7, 15, 16 and 19-25 under 35 U.S.C. § 102 and claim 18 under 35 U.S.C. § 103 is affirmed, but reversed with respect to rejecting claims 8-13 and 17 under 35 U.S.C. § 102 and claim 14 under 35 U.S.C. § 103.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED-IN-PART


ERROL A. KRASS)
Administrative Patent Judge)


JOSEPH F. RUGGIERO)
Administrative Patent Judge)


MAHSHID D. SAADAT)
Administrative Patent Judge)

) BOARD OF PATENT
) APPEALS
) AND
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